


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2008 AUG -5 PM 4:59
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN DANIELS

Defendant.

§ CRIMINAL NO. **A08 CR 285 LY**

§

§

§

§

§

§

§

§

§

§

INDICTMENT

[Count 1: Possession with intent to
distribute + 50 grams of methamphetamine,
21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii).
Count 2: Possession with intent to distribute
+ 50 grams of a mixture or substance
containing methamphetamine, 21 U.S.C. §§
841(a)(1), (b)(1)(B)(viii).
Count 3: Felon in possession of a firearm,
18 U.S.C. § 922(g)(1).]

THE GRAND JURY CHARGES:

COUNT ONE

**Possession with Intent to Distribute a Controlled Substance
[21 U.S.C. § 841(a)(1)]**

On or about April 17, 2008, in the Western District of Texas, the defendant,

KEVIN DANIELS

knowingly and intentionally possessed with intent to distribute 50 grams or more of
methamphetamine, its salts, isomers, or salt of its isomers, a controlled substance, in violation of
Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(A)(viii).

COUNT TWO

**Possession with Intent to Distribute a Controlled Substance
[21 U.S.C. § 841(a)(1)]**

On or about April 25, 2008, in the Western District of Texas, the defendant,

KEVIN DANIELS

knowingly and intentionally possessed with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, or salt of its isomers, a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(B)(viii).

COUNT THREE
Felon in Possession of a Firearm
18 U.S.C. § 922(g)(1)

On or about April 17, 2008, in the Western District of Texas, the defendant,

KEVIN DANIELS

who having been convicted of a crime punishable by imprisonment for a term exceeding one year did knowingly possess in and affecting commerce a firearm, to wit: a Bersa, Thunder 380, .380 caliber, semi-automatic, pistol, Serial Number 758507, which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[Title 21 U.S.C. § 841(a)(1) and Title 21 U.S.C. §§ 853(a)(1) and (a)(2); Title 18 U.S.C. § 924(c)(1)(A) and subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable by Title 28 U.S.C. § 2461 and Fed. R. Crim. P. 32.2]

I.

Forfeiture Statutes Relating to Controlled Substances
[Title 21 U.S.C. §§ 853(a)(1) and (a)(2)]

As a result of the foregoing criminal violations as set forth in Counts One (1) and Two (2) of the indictment, which are punishable by imprisonment for more than one year, the United States gives notice that it intends to forfeit, but is not limited to, the below listed property from Defendant, KEVIN DANIELS. Defendant shall forfeit all right, title and interest in said property to the United States pursuant to Fed .R. Crim. P. 32.2 and Title 21 U.S.C. §§ 853(a)(1) and (a)(2), which state the following:

Title 21 U.S.C. §§ 853(a)

(a) Property subject to criminal forfeiture

Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

- (1)** any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2)** any of the person's property used, or intended to be used, in any manner or part, to commit or to facilitate the commissions of, such violation.

This Notice of Demand for Forfeiture includes but is not limited to the following:

\$1541.86, more or less, in U.S. Currency.

II.

Forfeiture Statutes Relating to Firearms
[Title 18 U.S.C. § 924(d)(1)]

As a result of the foregoing criminal violations as set forth in Count Three (3) of the indictment, which are punishable by imprisonment for more than one year, the United States gives notice that it intends to forfeit, but is not limited to, the below listed property from Defendant

KEVIN DANIELS. Defendant shall forfeit all right, title and interest in said property to the United States pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture pursuant to Title 28 U.S.C. § 2461, which states the following:

Title 18 U.S.C. § 924.

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of . . . section 924 . . . or any firearm or ammunition intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture, . . .

This Notice of Demand for Forfeiture includes but is not limited to the following:

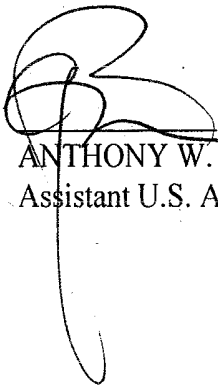
One (1) Bersa, Thunder 380, .380 caliber, semi-automatic, pistol, Serial Number 758507; and all ammunition and firearm accessories.

**SIGNATURE REDACTED PURSUANT
TO E-GOVERNMENT ACT OF 2002** A True Bill:

Foreperson

JOHNNY SUTTON
UNITED STATES ATTORNEY

By:


ANTHONY W. BROWN
Assistant U.S. Attorney